

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JON FLEMING, individually,

Plaintiff,

V.

STATE OF WASHINGTON, *et al.*,

## Defendants.

Case No. C07-5246FDB

## ORDER DENYING RECONSIDERATION

Plaintiff moves for reconsideration of the Court's order finding this cause of action barred by the applicable statute of limitations. Plaintiff argues that because he filed his lawsuit after the claim filing statute (RCW 4.92.100) was amended and he filed a claim, the 60-day tolling period makes his case timely filed. The claim filing statute's amendment was not made retroactive, however, and was not effective until June 7, 2006. Moreover, the claim filing statute is not a general tolling statute, as this Court already concluded in its earlier order.

ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Reconsideration [Dkt. # 38] is DENIED.

DATED this 30<sup>th</sup> day of September 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

## ORDER - 1